

**REMARKS****Status of the Claims**

Claims 1, 6, 8, 13, 14, and 19 are currently present in the Application, and claims 1, 8, and 14 are independent claims. Claims 1, 6, 8, 13, 14, and 19 have been amended, and claims 5, 12, and 18 have been canceled. Applicants are not conceding that the subject matter encompassed by claims 1-20, prior to this and previous Amendments, is not patentable over the art cited by the Examiner. Claims 1, 6, 8, 13, 14, and 19 were amended, and claims 5, 12, and 18 were canceled in this Amendment solely to facilitate expeditious prosecution of the remaining claims. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 1-20 as presented prior to this and previous Amendments, and additional claims, in one or more continuation and/or divisional patent applications.

Support for the amendments to the claims is found, for example, in Applicants' specification on page 13, lines 3-31, and in claims 5, 12, and 18 as originally filed. Also, see Figure 3. No new matter has been added as a result of the amendments to the claims.

**Claim Rejections Under 35 U.S.C. § 112**

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph. Applicants have amended independent claims 1, 8, and 14 to remove the element noted by the Examiner on page 7, paragraph 12 of the Office Action. Applicants respectfully submit that the rejections under 35 U.S.C. § 112 have been overcome as a result of these amendments. Applicants have further deleted the element noted by the Examiner on page 2, paragraph 8 of the Office Action.

**Claim Rejections – Alleged Obviousness Under 35 U.S.C. § 103**

Claims 1, 5, 6, 8, 12-14, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mui, U.S. Patent Publication No. 2003/0229529 (hereinafter Mui) in view of Miller, U.S. Patent Publication No. 2003/0110067 (hereinafter Miller) and

further in view of Magrino, U.S. Patent Publication No. 2002/0198765 (hereinafter Magrino). Applicants respectfully traverse the rejections under 35 U.S.C. § 103.

Note that claims 5, 12, and 18 have been canceled and therefore the rejections to these claims is now moot.

Applicants teach and claim “creating a first profession-specific framework module” that includes core skills, a first subset of dimension skills, and progression requirements. The first profession-specific framework module is used to evaluate a first user, the first user selected from a first subset of users. The dimension skills included in the first subset of dimension skills are profession-related skills that correspond “to a first profession found in the organization.” Thus, the first profession-specific framework module is used to evaluate a first user against specific profession-related skills. One of the advantages of Applicants’ claimed profession-specific framework is that it is modular, in that the first subset of dimension skills may be replaced by a second subset of dimension skills, as described in Applicants’ specification on page 13, lines 3-31. As amended, independent claim 1 includes the following elements that pertain to creating a second profession-specific framework module:

- retrieving, from the data store, a second subset of dimension skills, the second subset of dimension skills selected from the plurality of dimension skills, wherein the second subset of dimension skills correspond to a second subset of the plurality of users, and wherein each of the dimension skills included in the second subset of dimension skills is a profession-related skill corresponding to a second profession found in the organization;
- identifying a progression requirement stored in the memory for the second subset of dimension skills;
- creating a second profession-specific framework module, wherein the creating comprises replacing the first subset of dimension skills in the first

profession-specific framework module with the second subset of dimension skills;

- storing the second profession-specific framework module in the data store accessible by the evaluation software routine; and
- evaluating a second user, wherein the second user is selected from the second subset of the plurality of users, and wherein the evaluating is performed using the second profession-specific framework module and the evaluation software routine.

Applicants respectfully submit that none of the cited sections of Mui, Miller, and/or Magrino teach or suggest this type of modularity in a profession-specific framework module. In particular, none of the cited references teach or suggest “creating a second profession-specific framework module, wherein the creating comprises replacing the first subset of dimension skills in the first profession-specific framework module with the second subset of dimension skills,” as taught and claimed by Applicants. The Office Action cites Mui at paragraph [1357] as disclosing replacing a first subset of dimension skills with a second subset of dimension skills (see Office Action, page 18, rejection of claims 5, 12, and 18). However, the cited paragraph of Mui reads as follows:

“The Rating Providers submit their feedback in the form of ratings and comments on various aspects of the individual performance: Goal Assignments, Job and Goal Competencies, and any other competencies judged pertinent for the review.”

This paragraph is simply noting that someone, known as a Rating Provider, gives ratings and comments on the performance of an individual who is being evaluated. The Office Actions states that “the effect of utilizing ‘various aspects’ is equivalent in its effect as replacing since it involves consideration of other ‘aspects’ i.e., dimensions of

skill level assessments” (see Office Action, page 18, rejection of claims 5, 12, and 18). Applicants respectfully disagree. The cited paragraph of Mui is discussing a Rating Provider providing feedback, i.e. ratings and comments, on an individual’s performance. In simple terms, this paragraph is saying that the evaluator evaluates the employee. There is absolutely no mention of creating anything, much less “creating a second profession-specific framework module,” as taught and claimed by Applicants. Further, the cited paragraph of Mui does not teach or suggest replacing anything, much less “replacing the first subset of dimension skills in the first profession-specific framework module with the second subset of dimension skills,” as taught and claimed by Applicants.

Neither Miller nor Magrino overcome the deficiencies of Mui. Applicants respectfully submit that none of the cited art, either alone or in combination, teaches or suggests creating a first profession-specific framework module that is used to evaluate a first user and then creating a second profession-specific framework module that is used to evaluate a second user, where creating the second profession-specific framework module includes replacing one set of dimension skills with another, as taught and claimed by Applicants in independent claim 1. Therefore, Applicants respectfully submit that independent claim 1 is patentable over Mui, Miller, and Magrino.

Independent claims 8 and 14 include elements similar to those found in independent claim 1, and are therefore patentable for at least the same reasons that claim 1 is patentable. Therefore, Applicants respectfully request that independent claims 1, 8, and 14, and the claims which depend from them, be allowed.

### **Conclusion**

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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